

H. C. R. No. 17, Relative to certain appropriation for Texas National Guard,

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

TENTH DAY

(Wednesday, February 14, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hankamer.
Adamson.	Harman.
Aikin.	Harris.
Alexander.	Harrison.
Alsup.	Hartzog.
Anderson.	Head.
Atchison.	Hester.
Baker.	Hicks.
Barrett.	Hill.
Barron.	Hodges.
Beck.	Holekamp.
Bedford.	Holland.
Bergman.	Holloway.
Bourne.	Hoskins.
Bradley.	Huddleston.
Burns.	Hughes.
Bu ler.	Hunt.
Calvert.	Hyder.
Camp.	James.
Canon.	Jefferson.
Cathey.	Johnson
Caven.	of Anderson.
Celaya.	Jones of Atascosa.
Chastain.	Jones of Runnels.
Clayton.	Jones of Shelby.
Colson.	Kayton.
Coombes.	Kyle of Hays.
Cowley.	Kyle of Palo Pinto.
Crossley.	Laird.
Daniel.	Lange.
Davidson.	Latham.
Dean.	Lemens.
Devall.	Leonard.
Dunlap.	Lindsey.
Dunagan.	Long.
Duvall.	Lotief.
Dwyer.	Mackay.
Fain.	Magee.
Fisher.	Mathis.
Ford.	McCullough.
Fuchs.	McGregor.
Glass.	McKee.
Golson.	Merritt.
Good.	Metcalfe.
Goodman.	Mitcham.
Graves.	Moffett.
Greathouse.	Moore.
Griffith.	Morrison.

Morse.	Savage.
Munson.	Scarborough.
Nicholson.	Scott.
Parkhouse.	Shannon.
Patterson.	Shults.
Pavlica.	Stanfield.
Pope.	Steward.
Puryear.	Stinson.
Ramsey.	Stovall.
Ratliff.	Stubbeman.
Ray.	Tarwater.
Reader.	Tennyson.
Reed of Bowie.	Thomas.
Reed of Dallas.	Tillery.
Renfro.	Turlington.
Riddle.	Van Zandt.
Roark.	Vaughan.
Roberts.	Wagstaff.
Rogers of Hunt.	Walker.
Rogers	Wells.
of Ochiltree.	Winningham.
Rollins.	Wood.
Russell.	Young.

Absent—Excused

Engelhard.	McDougald.
Hunter.	Palmer.
Jackson.	Smith.
Johnson	Townsend.
of Dimmit.	Weinert.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hicks for today, on motion of Mr. Morrison.

Mr. Smith for today, on motion of Mr. Thomas.

Mr. Hunter for today, on motion of Mr. Hunt.

Mr. Townsend for today, on motion of Mr. Kayton.

The following Members were granted leaves of absence on account of illness:

Mr. Jackson for today and the balance of the week, on motion of Mr. Hankamer.

Mr. Ramsey was granted leave of absence for the past several days, on which he has been absent, on motion of Mr. Long.

BILL ORDERED NOT PRINTED

On motion of Mr. Walker, Senate Bill No. 11 was ordered not printed.

TO GRANT PERMISSION TO SUE THE STATE OF TEXAS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 15, To grant permission to sue the State of Texas.

Whereas, Ben Sira, an individual, conducting business under the trade name Ben Sira and Company, entered into two certain contracts with the State of Texas, acting by and through the Highway Commission of the State of Texas and the State Highway Engineer, one being for the construction of certain improvements on Highway No. 40, in Cooke County, Texas, and known as State Aid Project 1027-B, and the other being for the construction of certain highway improvements in Fort Bend County, and known as Federal Aid Project "E" 637-A, Contract No. 1; the type and character of work to be done thereunder being fully shown by the plans and specifications of said improvements, as on file in the offices of the Highway Department of the State of Texas; and

Whereas, Ben Sira and Company commenced work on said construction under said contract, and did construct, improve, and build said improvements on said highways, and completed said projects; and

Whereas, Certain differences have arisen between said Ben Sira and Company and the State Highway Commission as to the amount of money due by the State of Texas and the State Highway Department of the State of Texas to the said Ben Sira and Company, for work done under said contracts; and said Ben Sira and Company has filed its claim with the State Highway Commission, which has been refused; and

Whereas, Although the Legislature of the State of Texas does not admit that Ben Sira and Company has a valid and just claim against the State of Texas, the State Highway Commission or the State Highway Funds, it is the sense of the Legislature that a citizen who has contracted with the State and has a claim against the State arising out of said contract, should not be deprived of his opportunity to submit to the courts his claim, and, if valid, to establish and enforce it against the State or any responsible department of the State; now, therefore, be it

Resolved by the Senate of Texas,

the House of Representatives concurring therein,

Section 1. That Ben Sira, trading as Ben Sira and Company, is hereby given and granted consent and permission to file suit against the State of Texas, the Highway Commission of the State of Texas, as such Commission and a department of the State Government, in its official capacity, in any District Court in Travis County, Texas; said suit to be based on the claim of Ben Sira and Company, for compensation alleged to be due it for work done in the performance of the two contracts above mentioned; and it shall not be a misjoinder to prosecute both of said claims in one suit.

Sec. 2. Service in said suit shall be had by citing the Governor, the Chairman of the Highway Commission, and the Attorney General of the State of Texas, and the service of citation upon said officers shall have the same force and effect as is provided by law for service of citation in civil suits between private persons.

Sec. 3. In the event judgment is secured in the trial court against the State of Texas and the Highway Commission, either or both shall have the right of appeal as is provided by law in other civil cases and no bond or other security shall be required of either the State of Texas or the Highway Commission in any such appeal.

Sec. 4. If a final judgment be recovered against the State of Texas or the Highway Commission of the State of Texas, the same shall be paid in full out of the State Highway Funds as other debts payable out of said Fund are paid.

The resolution was read second time.

On motion of Mr. Long, the resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE OF TEXAS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 14, To grant D. F. Jones Construction Company permission to sue the State of Texas.

Whereas, D. F. Jones Construction Company, a corporation, with its domicile in Little Rock, Arkansas,

entered into a certain contract with the State of Texas, acting by and through the Highway Commission of the State of Texas and the State Highway Engineer, being for the construction of certain improvements on Highway No. 3-A, in Bexar and Guadalupe Counties, Texas, and known as Federal Aid Project 635-A, the type and character of work to be done thereunder being fully shown by the plans and specifications of said improvements as on file in the offices of the Highway Department of the State of Texas; and

Whereas, Said corporation commenced work on said construction under said contract, and did construct, improve, and build said improvements on said highway, and completed said project; and

Whereas, Certain differences have arisen between said corporation and the State Highway Commission, as to the amount of money due by the State of Texas and the State Highway Department of the State of Texas, to the said corporation for work done under said contract, and said corporation has filed its claim with the State Highway Commission, which has been refused; and

Whereas, Although the Legislature of the State of Texas does not admit that D. F. Jones Construction Company has a valid and just claim against the State of Texas, the State Highway Commission, or the State Highway Funds, it is the sense of the Legislature that a citizen who has contracted with the State and has a claim against the State arising out of said contract, should not be deprived of his opportunity to submit to the courts his claim, and, if valid, to establish and enforce it against the State or any responsible department of the State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring therein,

Section 1. That D. F. Jones Construction Company, Inc., a corporation, is hereby given and granted consent and permission to file suit against the State of Texas, the Highway Commission of the State of Texas, as such Commission and a department of the State Government, in its official capacity, in any District Court in Travis County, Texas; said suit to be based on the claim of said corporation for compensation alleged to be due it for

work done in the performance of the contract above mentioned.

Sec. 2. Service in said suit shall be had by citing the Governor, the chairman of the Highway Commission, and the Attorney General of the State of Texas, and the service of citation upon said officers shall have the same force and effect as is provided by law for service of citation in civil suits between private persons.

Sec. 3. In the event judgment is secured in the trial court against the State of Texas and the Highway Commission, either or both shall have the right of appeal as is provided by law in other civil cases, and no bond or other security shall be required of either the State of Texas or the Highway Commission in any such appeal.

Sec. 4. If a final judgment be recovered against the State of Texas or the Highway Commission of the State of Texas, the same shall be paid in full out of the State Highway Funds as other debts payable out of said Fund are paid.

The resolution was read second time.

On motion of Mr. Aikin, the resolution was referred to the Committee on State Affairs.

REQUESTING GOVERNOR TO SUBMIT CERTAIN SUBJECT

Mr. Moore offered the following resolution:

Whereas, The First Section of the Seventeenth Article of the Texas Constitution provides:

"The Legislature, at any biennial session, * * * may propose amendments to the Constitution * * *"; and

Whereas, The Fifth Section of the Third Article of the Texas Constitution provides:

"The Legislature shall meet every two (2) years at such time as may be provided by law, and at other times when convened by the Governor * * *"; and

Whereas, The Fortieth Section of the Third Article of the Texas Constitution provides:

"When the Legislature shall be convened in Special Session, there shall be no legislation upon subjects other than those designated in the Proclamation of the Governor, calling such Session, or presented to them by the Governor; * * *"; and

Whereas, There is a widespread demand among the people of Texas that the question of repeal or retention of State-wide prohibition be submitted to them at an early date in order that this vexing problem may be disposed of under the Democratic principle that the will of the majority shall control; and

Whereas, This Session of the Legislature has the power to fix, by law, the date of the biennial or Regular Session at which constitutional amendments may be submitted, subject only to the restriction that the Governor must submit such subject to the Legislature, inasmuch as it is now in Special Session; now, therefore, being desirous of changing the time of the biennial Session of the Legislature to an early date, in order that it, together with the Senate of the State of Texas, may submit to the people of this State a constitutional amendment on prohibition without further unnecessary delay; be it

Resolved by the House of Representatives, That the Governor of the State of Texas be, and is hereby, respectfully requested to submit to this Special Session, the subject of changing the date of the biennial Session of the Legislature.

The resolution was read second time, and was lost by the following vote:

Yeas—37

Baker.	Long.
Barron.	Mackay.
Bedford.	Mathis.
Bergman.	McGregor.
Clayton.	Metcalfe.
Coombes.	Moore.
Daniel.	Morse.
Devall.	Nicholson.
Fuchs.	Pavlica.
Good.	Pope.
Hankamer.	Reader.
Harrison.	Reed of Dallas.
Hartzog.	Rogers
Hicks.	of Ochiltree.
Hill.	Scarborough.
Holekamp.	Shannon.
Holland.	Stubbeman.
Hughes.	Walker.
Kayton.	Young.

Nays—85

Adamson.	Bourne.
Aikin.	Bradley.
Alexander.	Burns.
Alsup.	Butler.
Atchison.	Calvert.
Barrett.	Camp.

Canon.	McKee.
Cathey.	Merritt.
Chastain.	Mitcham.
Cowley.	Moffett.
Crossley.	Morrison.
Dean.	Munson.
Dunagan.	Parkhouse.
Fain.	Purveyar.
Fisher.	Ratliff.
Ford.	Ray.
Glass.	Reed of Bowie.
Golson.	Renfro.
Goodman.	Riddle.
Graves.	Roark.
Greathouse.	Roberts.
Griffith.	Rogers of Hunt.
Harman.	Rollins.
Harris.	Russell.
Head.	Savage.
Hester.	Scott.
Hodges.	Shults.
Hoskins.	Stanfield.
Huddleston.	Steward.
Hunt.	Stinson.
Hyder.	Stovall.
James.	Tarwater.
Jones of Atascosa.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kyle of Hays.	Turlington.
Kyle of Palo Pinto.	Van Zandt.
Latham.	Vaughan.
Lemens.	Wagstaff.
Lindsey.	Wells.
Lotief.	Winningham.
Magee.	Wood.
McCullough.	

Absent

Anderson.	Engelhard.
Beck.	Holloway.
Caven.	Jefferson.
Celaya.	Johnson
Colson.	of Anderson.
Davidson.	Laird.
Dunlap.	Lange.
Duvall.	Leonard.
Dwyer.	Patterson.

Absent—Excused

Hunter.	Palmer.
Jackson.	Ramsey.
Johnson	Smith.
of Dimmit.	Townsend.
McDougald.	Weinert.

REASON FOR VOTE

Though I favor a submission of repeal of the prohibition amendment to the people at the earliest possible date, this should be attempted at the present Called Session (the constitutionality of this procedure is as certain as action contemplated on the resolution); and I believe the Regular Session should continue in January,

so that the Representatives and Senators will take office as soon as possible after their election.

BRADLEY.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

S. B. No. 7, "An Act to authorize and empower any water control and improvement district in this State to borrow money, and to receive grants or other aid from the Government of the United States or any lending agency thereof, and declaring an emergency."

S. C. R. No. 16, Authorizing the Comptroller to pay premium on official bond of United States Property and Disbursing Officer for Texas.

H. C. R. No. 26, Protesting the levying of certain tax on natural gas.

MESSAGE FROM THE GOVERNOR

Mr. John H. Davis, secretary to the Governor, appeared at the Bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, February 13, 1934.

To the Forty-third Legislature, in
Second Called Session:

At the request of Representatives Kayton, Hartzog, and others, I am submitting herewith, for your consideration, a bill being entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature; and declaring an emergency."

At the request of Representatives Kayton and Reader I am submitting, herewith, for your consideration, a bill to be entitled "An Act making a certain emergency and supplemental appropriation out of the General Revenue of the State of Texas for the State Department of Health for the balance of the fiscal year, ending August 31, 1934; and declaring an emergency."

At the request of Representative Celaya, I am submitting herewith, for your consideration, a bill to be entitled "An Act amending Section 6 of Sen-

ate Bill No. 69, passed by the First Called Session of the Forty-third Legislature; and declaring an emergency."

At the request of Representative Celaya, I am submitting, for your consideration, a bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature; and declaring an emergency."

At the request of Representatives Bradley, Morse, Holland, Mathis, and Moore, I am submitting herewith, for your consideration, a bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government, in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas, with reference to producers, distributors, and processors of milk and milk products; and declaring an emergency."

At the request of Representatives Nicholson and McKee, I am submitting herewith, for your consideration, a bill to be entitled "An Act amending Chapter 49, Acts of the Forty-third Legislature, First Called Session, page 145 (Article 3886-b), providing for the maximum compensation of assistant county attorneys and other employes of the county attorney in all counties in the State, having a population of 100,001 inhabitants, and not more than 150,000 inhabitants, and containing two cities of 50,000 population or more, each; and declaring an emergency."

At the request of Representatives Wells, Steward, and Lange and others, I am submitting, for your consideration, a bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale, in certain counties, and declaring an emergency."

At the request of Representative Ray, I am submitting herewith, for your consideration, a bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale, from certain waters of Bell County; prohibiting the transportation by any one person at one time of more than one hundred (100) minnows beyond the borders of Bell County; providing a penalty, and declaring an emergency."

At the request of the Chairman of

the Highway Commission, I am submitting, for your consideration, a bill to be entitled "An Act to amend Section 14, Chapter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, Senate Bill No. 24, passed at the Third Called Session, Forty-first Legislature, as amended; and declaring an emergency."

At the request of Hon. L. A. Woods, State Superintendent, and Senator A. P. Duggan and others, I am submitting herewith, for your consideration, a bill to be entitled "An Act re-appropriating any unexpended balances of the funds appropriated in aid of rural schools of the State of Texas in the emergency appropriation, to pay outstanding indebtedness incurred through the operation of the rural aid law, as made by Chapter 173, Acts Regular Session, Forty-third Legislature; and declaring an emergency."

At the request of Hon. J. E. McDonald, Commissioner of Agriculture, I submit herewith, for your consideration, a bill to be entitled "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the State Department of Agriculture, for the purpose of purchasing and erecting necessary machinery, and conducting essential work, necessary for preventing the further spread of the pink boll worm; and declaring an emergency."

At the request of Representative Moffett, I submit herewith, for your consideration, a bill to be entitled "An Act providing for the Agricultural and Mechanical College Substation No. 12, located in Hardeman County, Texas, in order to provide material and labor to reconstruct buildings destroyed by fire on January 18, 1934; making an appropriation to said Agricultural and Mechanical College Substation No. 12 for said purpose; and declaring an emergency."

At the request of Representative P. L. Anderson, I submit herewith, for your consideration, a bill to be entitled "An Act to define license tax, regulate and control recreation establishments, fixing penalties for violation of said Act, and declaring an emergency."

At the request of the Pink Boll Worm Compensation Claim Board, I am submitting herewith, for your consideration, a bill to be entitled "An Act amending Section 111, of Chap-

ter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52; and declaring an emergency."

At the request of Representative Merritt, I am submitting herewith, for your consideration, a bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts; and declaring an emergency."

At the request of Representative Huddleston, I am submitting herewith, for your consideration, a bill to be entitled "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps, for taking fur-bearing animals in Coryell County; and declaring an emergency."

At the request of Representatives Moore and Morse, I am submitting, for your consideration, a bill to be entitled "An Act amending Sections 1, 2, 4, 5, 6, 8, 9, and 12, Chapter 241, Acts of the Regular Session, Forty-third Legislature, page 845, and further amending Chapter 241, Acts, Regular Session, Forty-third Legislature, page 843; and declaring an emergency."

By request, I am herewith submitting for your consideration, "An Act to validate the adoption papers that were signed by the adopting parent or parents, prior to January 1, 1933."

At the request of Representatives Riddle, Hoskins, Engelhard, and others, I am submitting herewith, for your consideration, a bill to be entitled "An Act amending Article 879 and Article 879 of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended; providing a penalty; and declaring an emergency."

At the request of Representatives Griffith, Duvall, and Anderson, I am submitting herewith, a bill to be entitled "An Act amending Subsection 5 of Article 6675-a, of Vernon's Annotated Texas Civil Statutes, same being Section 5, of page 172, Chapter 88, of the Acts of the Forty-first Legislature, Second Called Session of 1929."

By request, I am submitting herewith, for your consideration, a bill to be entitled "An Act providing that

every person, firm, corporation, partnership, or association of persons, before engaging in the business of a wholesale fish dealer or a retail fish dealer, shall make application to, and receive from, the Game, Fish, and Oyster Commission, a license to engage in such business; and declaring an emergency."

At the request of Representative Bradley, I am submitting herewith, for your consideration, three bills, as follows:

1. A bill to be entitled "An Act defining and limiting jurisdiction of courts in matters affecting employers and employes; declaring the public policy of the State in such matters; declaring all contracts made in violation of such public policy to be unenforceable; and declaring an emergency."

2. A bill to be entitled "An Act protecting the employment of women and minors; authorizing the Labor Commission to investigate and deal with such employment; and declaring an emergency."

3. A bill to be entitled "An Act amending Chapter 53, Acts of the Forty-third Legislature, First Called Session, declaring the economic conditions and policy of this State concerning co-operation with the National Government, in authorizing and providing for action by trade groups, labor and management of industry, eliminating unfair competition; and declaring an emergency."

At the request of Representatives Van Zandt, Adamson, and Barron, I submit herewith, for your consideration, a bill to be entitled "An Act to amend Senate Bill No. 111, passed at the Third Called Session of the Thirty-eighth Legislature as amended; and declaring an emergency."

At the request of Representatives Hugh Jones, Pope, and others, I submit herewith, for your consideration, a bill to be entitled "An Act for the purpose of releasing the interest and penalties on all ad valorem and poll taxes delinquent on February 1, 1934, due State, county, common school districts, road districts, levee improvement districts, water improvement districts, and water control and improvement districts, irrigation districts and other defined subdivisions of the State, other than incorporated cities, towns, and villages; providing said taxes are

paid on or before December 31, 1934; and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

PROVIDING FOR ADJOURNMENT SINE DIE

Mr. Mathis moved to take up, for consideration at this time,

H. C. R. No. 22, Providing for adjournment sine die;

The resolution having heretofore been laid on the table subject to call; Due notice having been given that same would be taken up today.

Question recurring on the motion by Mr. Mathis, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—65

Aikin.	Lotief.
Alexander.	Mathis.
Alsup.	Merritt.
Atchison.	Metcalfe.
Bedford.	Mitcham.
Bergman.	Moffett.
Bourne.	Moore.
Burns.	Morrison.
Butler.	Parkhouse.
Calvert.	Pavlica.
Camp.	Puryear.
Canon.	Ratliff.
Cathey.	Ray.
Cowley.	Reed of Bowie.
Dean.	Riddle.
Devall.	Roark.
Fain.	Rogers of Hunt.
Ford.	Rollins.
Glass.	Savage.
Graves.	Scott.
Hester.	Shannon.
Hicks.	Shults.
Holland.	Steward.
Huddleston.	Stinson.
Hughes.	Stovall.
Hunt.	Tarwater.
Hyder.	Tillery.
Johnson	Turlington.
of Anderson.	Vaughan.
Jones of Runnels.	Wagstaff.
Kyle of Hays.	Walker.
Latham.	Winningham.
Lindsey.	Wood.

Nays—54

Adamson.	Celaya.
Baker.	Clayton.
Barrett.	Colson.
Barron.	Coombes.
Bradley.	Daniel.

Dunlap.	Leonard.
Dunagan.	Mackay.
Dwyer.	Magee.
Fisher.	McCullough.
Fuchs.	McGregor.
Golson.	McKee.
Good.	Morse.
Goodman.	Munson.
Greathouse.	Pope.
Griffith.	Reed of Dallas.
Hankamer.	Renfro.
Hartzog.	Roberts.
Hill.	Rogers
Hodges.	of Ochiltree.
Holekamp.	Russell.
Holloway.	Scarborough.
Hoskins.	Stanfield.
James.	Stubbeman.
Jefferson.	Tennyson.
Jones of Shelby.	Thomas.
Kyle of Palo Pinto.	Van Zandt.
Laird.	Young.
Lemens.	

Absent

Anderson.	Head.
Beck.	Jones of Atascosa.
Caven.	Kayton.
Chastain.	Lange.
Cowley.	Long.
Davidson.	Nicholson.
Duvall.	Patterson.
Harman.	Reader.
Harris.	Wells.
Harrison.	

Absent—Excused

Engelhard.	Palmer.
Hunter.	Ramsey.
Jackson.	Smith.
Johnson	Townsend.
of Dimmit.	Weinert.
McDougald.	

The Speaker then laid the resolution before the House for consideration at this time.

Mr. Mathis offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 22 by changing "twenty days" to "twenty-four days," in second paragraph and adjourning date from "February 17, 1934," to "February 21, 1934."

MATHIS,
ALSUP,
SAVAGE.

Mr. Morse offered the following substitute for the amendment by Mr. Mathis:

Amend House Concurrent Resolution No. 22 by changing "twenty days" to "thirty days," in second paragraph, and adjourning date from

"February 17, 1934," to "February 27, 1934."

Mr. Fain moved to table the amendment offered by Mr. Morse.

The motion to table prevailed.

Mr. Morrison moved to table the amendment offered by Mr. Mathis et al.

The motion to table prevailed.

Mr. Alsup moved to table the resolution.

The motion to table prevailed by the following vote:

Yeas—86

Adamson.	Jones of Atascosa.
Alsup.	Jones of Runnels.
Anderson.	Jones of Shelby.
Atchison.	Kayton.
Baker.	Kyle of Palo Pinto.
Barrett.	Laird.
Barron.	Latham.
Bergman.	Lemens.
Bradley.	Lindsey.
Cathey.	Lotief.
Caven.	Mackay.
Celaya.	Magee.
Clayton.	McCullough.
Colson.	McGregor.
Coombes.	McKee.
Crossley.	Merritt.
Daniel.	Morrison.
Davidson.	Munson.
Dunlap.	Pope.
Dunagan.	Puryear.
Duvall.	Ray.
Dwyer.	Reader.
Fisher.	Reed of Dallas.
Fuchs.	Renfro.
Golson.	Riddle.
Good.	Roberts.
Goodman.	Rogers
Graves.	of Ochiltree.
Greathouse.	Rollins.
Griffith.	Russell.
Hankamer.	Savage.
Harris.	Scarborough.
Harrison.	Shannon.
Hester.	Shults.
Hill.	Stanfield.
Hodges.	Stovall.
Holekamp.	Stubbeman.
Holland.	Tarwater.
Holloway.	Thomas.
Hoskins.	Van Zandt.
Huddleston.	Walker.
James.	Wood.
Jefferson.	Young.
Johnson	
of Anderson.	

Nays—38

Aikin.	Butler.
Alexander.	Calvert.
Bourne.	Camp.

Canon.	Nicholson.
Cowley.	Pavlica.
Dean.	Ratliff.
Devall.	Reed of Bowie.
Fain.	Roark.
Ford.	Rogers of Hunt.
Glass.	Scott.
Head.	Steward.
Hicks.	Stinson.
Hyder.	Tennyson.
Kyle of Hays.	Tillery.
Mathis.	Turlington.
Metcalfe.	Vaughan.
Mitcham.	Wagstaff.
Moffett.	Wells.
Moore.	Winningham.

Absent

Beck.	Hunt.
Bedford.	Lange.
Burns.	Leonard.
Chastain.	Long.
Harman.	Morse.
Hartzog.	Parkhouse.
Hughes.	Patterson.

Absent—Excused

Engelhard.	Palmer.
Hunter.	Ramsey.
Jackson.	Smith.
Johnson	Townsend.
of Dimmit.	Weinert.
McDougald.	

HOUSE BILL NO. 39 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 39, A bill to be entitled "An Act making an emergency appropriation of money for the Sam Houston State Teachers College at Huntsville, Texas, and the Penitentiary System, located at Huntsville, Texas; providing the purposes thereof, the means and manner of expenditure, and declaring an emergency."

The bill was read third time.

Mr. Kyle of Palo Pinto offered the following amendment to the bill:

Amend House Bill No. 39, Section 1, line 19, by adding the following: "\$3,000 or so much as may be needed for C. W. A. work on Camp Wolters, located at Mineral Wells."

The amendment was lost.

House Bill No. 39 was then passed by the following vote:

Yeas—77

Adamson.	Barrett.
Anderson.	Barron.
Atchison.	Bergman.

Bourne.	Long.
Burns.	Lotief
Butler.	Mackay.
Calvert.	Magee.
Camp.	Mathis.
Caven.	McCullough.
Celaya.	McGregor.
Cowley.	Metcalfe.
Crossley.	Mitcham.
Daniel.	Moffett.
Devall.	Moore.
Duvall.	Morrison.
Dwyer.	Morse.
Ford.	Munson.
Fuchs.	Parkhouse.
Good.	Patterson.
Graves.	Pope.
Greathouse.	Ramsey.
Griffith.	Ratliff.
Harman.	Reader.
Head.	Renfro.
Hill.	Riddle.
Holekamp.	Roark.
Holland.	Roberts.
Hoskins.	Rogers
Hughes.	of Ochiltree.
Hunt.	Shannon.
Hyder.	Shults.
James.	Stanfield.
Jefferson.	Steward.
Jones of Shelby.	Tarwater.
Kyle of Hays.	Tennyson.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Turlington.
Lemens.	Van Zandt.

Nays—37

Aikin.	Nicholson.
Alsup.	Pavlica.
Canon.	Purveyar.
Coombes.	Reed of Bowie.
Dean.	Reed of Dallas.
Fain.	Rogers of Hunt.
Fisher.	Rollins.
Glass.	Russell.
Goodman.	Savage.
Harris.	Scott.
Hester.	Stinson.
Hodges.	Stovali.
Holloway.	Stubbeman.
Huddleston.	Vaughan.
Jones of Atascosa.	Wagstaff.
Jones of Runnels.	Walker.
Lindsey.	Winningham.
McKee.	Wood.
Merritt.	

Absent

Alexander.	Colson.
Baker.	Davidson.
Beck.	Dunlap.
Bedford.	Dunagan.
Bradley.	Golson.
Cathey.	Hankamer.
Chastain.	Harrison.
Clayton.	Hartzog.

Hicks.	Leonard.
Johnson	Ray.
of Anderson.	Scarborough.
Kayton.	Wells.
Lange.	Young.

Absent—Excused

Engelhard.	McDougald.
Hunter.	Palmer.
Jackson.	Smith.
Johnson	Townsend.
of Dimmit.	Weinert.

RELATIVE TO HOUSE BILL
NO. 17

Mr. McGregor asked unanimous consent of the House to have House Bill No. 17, which was reported adversely with a minority favorable report, printed in the Journal.

There was objection offered by Mr. Reed of Bowie.

Mr. McGregor moved that House Bill No. 17 be printed in the Journal. The motion prevailed.

RECESS

On motion of Mr. Butler, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

MESSAGES FROM THE GOVERNOR

(Pending the reading of the messages from the Governor, Mr. Alexander occupied the Chair.)

Executive Office,
Austin, Texas, February 14, 1934.

To the Forty-third Legislature in
Second Called Session:

At the request of Representatives Jefferson and Lemens, I am submitting herewith for your consideration a bill to be entitled "An Act to amend Article 4629, of the Revised Civil Statutes of Texas, 1925, relating to grounds for divorce, and declaring an emergency."

At the request of Representative Robert Long, I am submitting herewith for your consideration a bill to be entitled "An Act amending Section 5, of Chapter 26, Acts, Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same,

authorizing the Railroad Commission agents to inspect refinery properties; requiring such refineries to equip their pipe lines with meters and report measurements of same, and declaring an emergency."

At the request of Representative A. C. Kyle, I am submitting herewith for your consideration a bill to be entitled "An Act providing for the compensation of county commissioners in certain counties having a population of not less than 17,570 and not more than 17,580, and not less than 16,550 and not more than 16,575, according to the Federal Census for the year 1930; and defining from what fund such salaries shall be paid, and declaring an emergency."

At the request of Representatives Griffith, Rogers, Young, Cathey, and others, I am submitting herewith for your consideration a bill to be entitled "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing suitable penalty, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Executive Office,
Austin, Texas, February 14, 1934.

To the Forty-third Legislature in
Second Called Session:

There is hereby submitted to you for your consideration the matter of correcting the conflicting provisions of House Bill No. 154 and House Bill No. 844, passed by the Regular Session of the Forty-third Legislature, the former being a gross production tax bill of crude petroleum and the latter making it penal offenses to violate certain provisions thereof with reference to oil and gas.

When I signed these two bills, I called attention to the conflicts as to certain penalty provisions of the bills. Each bill has certain sections the same, but for the violation of the matters therein contained the penalties are different; thus for the correcting of these matters, I submit same to you; also to make the president of any corporation the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust company criminally

responsible for failure to comply with the provisions of House Bill No. 844, as it may be amended by you.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Executive Office,
Austin, Texas, February 14, 1934.

To the Forty-third Legislature in
Second Called Session:

At the request of Representative Harman, Chairman of the Committee on Appropriations, I submit for your consideration the question of additional emergency relief appropriations for the Insurance Department, the State Board of Control, the Texas State Parks Board, the Executive Department, the Texas State Department of Agriculture, the Live Stock Sanitary Commission, the Ranger Service, the State Auditor and Efficiency Expert, the Attorney General's Department, the Bureau of Labor Statistics, the General Land Office, the State Health Department, the State Commission for the Blind, the Court of Civil Appeals, and the Board of Water Engineers.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Executive Office,
Austin, Texas, February 14, 1934.

To the Forty-third Legislature in
Second Called Session:

By request, I am submitting for your consideration the question of providing for the holding of a celebration or celebrations commemorating the Texas Centennial in 1936, and making appropriation therefor.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

(Speaker in the Chair.)

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Kayton and Mr. Hartzog:

H. B. No. 69, A bill to be entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature, so as to hereafter read as follows: 'An Act repealing the pound fish tax, and providing a privilege license for any

person before engaging in the business of a commercial fisherman, wholesale fish dealer, retail fish dealer'; etc."

Referred to Committee on Game and Fisheries.

By Mr. Kayton and Mr. Reader:

H. B. No. 70, A bill to be entitled "An Act making a certain emergency and supplemental appropriation out of the General Revenue of the State of Texas for the State Department of Health for the balance of the fiscal year ending August 31, 1934, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Celaya:

H. B. No. 71, A bill to be entitled "An Act amending Section 6, of Senate Bill No. 69, passed by the First Called Session of the Forty-third Legislature, providing in said amendment that the \$15,000 appropriated in said Senate Bill No. 60, for said Valley Conservation and Reclamation District, shall be at once paid over to said district out of the General Fund not otherwise appropriated, and to be expended by said district and used by it for defraying the expenses of making engineering surveys, plans, specifications, and other necessary and proper expenses incidental to the negotiations for securing aid from governmental bodies; etc., and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Celaya and Mr. Pope:

H. B. No. 72, A bill to be entitled "An Act amending Section 7, of Chapter 13, of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section a-1, relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the board of county and district road indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded; etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Nicholson and Mr. McKee:

H. B. No. 73, A bill to be entitled "An Act amending Chapter 49, Acts of the Forty-third Legislature, First Called Session, page 145 (Art. 3886-b), providing for the maximum compensation of assistant county attorneys and other employes of the county attorney in all counties in the State having a population of 100,000 inhabitants, and not more than 150,000 inhabitants, and containing two cities of 50,000 population or more each, according to the last preceding Federal Census; etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Wells, Mr. Steward, Mr. Lange, Mr. Reed of Bowie, Mr. Bergman, Mr. Canon, Mr. Hyder, Mr. Chastain, Mr. Lemens, Mr. Metcalfe, Mr. Lindsey, Mr. Parkhouse, Mr. Jackson, Mr. Holland, Mr. Stinson, Mr. Hartzog, Mr. Barrett, Mr. Colson, Mr. Patterson, Mr. Ford, Mr. Aikin, Mr. Russell, Mr. Bourne, Mr. Tennyson, Mr. Rogers of Hunt, Mr. Long, Mr. Shannon, Mr. Kyle of Palo Pinto, Mr. Butler, Mr. Winningham, Mr. Daniel, Mr. Burns, Mr. Morse, Mr. Stovall, Mr. Mackay, Mr. James, Mr. Barron, Mr. Dunlap, Mr. Baker, Mr. Fisher, Mr. Bradley, Mr. Hester, Mr. Merritt, Mr. Greathouse, Mr. Kyle of Hays, Mr. Roark, Mr. Alexander, Mr. Mitcham, Mr. Clayton, Mr. Leonard, Mr. Crossley, Mr. Young, Mr. Latham, Mr. Turlington, Mr. Renfro, Mr. Head, Mr. Townsend, Mr. Jones of Shelby, Mr. Riddle, Mr. Jones of Atascosa, Mr. Glass, Mr. Dunagan, Mr. Moore, Mr. Holloway, Mr. Hankamer, Mr. Huddleston, Mr. Vaughan, Mr. Puryear, Mr. Walker, and Mr. McCullough:

H. B. No. 74, A bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale in certain counties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Ray:

H. B. No. 75, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Bell County; prohibiting the transportation by any one person at one time of more than one hundred (100) minnows beyond the borders of Bell County; provid-

ing a penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Metcalfe and Mr. Pope:

H. B. No. 76, A bill to be entitled "An Act to amend Section 14, Chapter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, Senate Bill No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, Senate Bill No. 82, passed at the Fifth Called Session, Forty-first Legislature; etc."

Referred to Committee on Highways and Motor Traffic.

By Mr. Anderson:

H. B. No. 77, A bill to be entitled "An Act to define 'license tax,' regulate and control recreation establishments, fixing penalties for violation of said Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Merritt:

H. B. No. 78, A bill to be entitled "An Act to validate the organization and creation of all school districts including common school districts, independent school districts, etc., validating all tax levies made in behalf of said districts; making certain exceptions, and declaring an emergency."

Referred to Committee on Education.

By Mr. Jackson, Mr. Metcalfe, Mr. Hankamer, Mr. Clayton, Mr. Stubbs, and Mr. Thomas:

H. B. No. 79, A bill to be entitled "An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said chapter; fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims, and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Huddleston:

H. B. No. 80, A bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in Coryell County, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Riddle, Mr. Hoskins, Mr. Engelhard, Mr. Mackay, Mr. Fuchs, Mr. Roberts, Mr. Weinert, Mr. Young, Mr. Kyle of Hays, Mr. Reader, Mr. Jefferson, Mr. Hartzog, Mr. Celaya, Mr. Jones of Shelby, and Mr. Dwyer:

H. B. No. 81, A bill to be entitled "An Act amending Article 879 and Article 879-b, of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fortieth Legislature, page 316, etc.; making it unlawful to hunt, take, or kill wild mourning doves, wild quail of all kind, wild Mexican pheasants, or chachalaca at any other time of year; providing a penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Bradley:

H. B. No. 82, A bill to be entitled "An Act defining and limiting jurisdiction of courts in matters affecting employers and employes; declaring the public policy of the State in such matters; declaring all contracts made in violation of such public policy to be unenforceable; enumerating specific acts not subject to restraining orders or injunctions even though said acts are participated in by persons or combinations of persons interested in labor disputes; etc."

Referred to Committee on Judiciary.

By Mr. Bradley:

H. B. No. 83, A bill to be entitled "An Act protecting the employment of women and minors, authorizing the Labor Commission to investigate and deal with such employment; fixing penalties for violations of this Act; providing for the establishment of a minimum wage in occupations, trades, and industries where women and minors work; requiring the Labor Commission to safeguard the health, hours of work, morals, and safety of women and minors in occupations, trades, and industries, and to provide for public hearings before

certain action is taken by the Commissioner; authorizing rehearings and protecting the right of appeal; requiring a liberal construction hereof; providing a saving clause, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Bradley:

H. B. No. 84, A bill to be entitled "An Act amending Chapter 53, Acts of the Forty-third Legislature, First Called Session, declaring the economic conditions and policy of this State concerning co-operation with the National Government in authorizing and providing for action by trade groups, labor, and management of industry; etc."

Referred to Committee on Judiciary.

By Mr. Kayton and Mr. Hartzog:

H. B. No. 85, A bill to be entitled "An Act providing that every person, firm, corporation, partnership, or association of persons, before engaging in the business of a wholesale fish dealer or a retail fish dealer, shall make application to and receive from the Game, Fish, and Oyster Commission a license to engage in such business; that separate license shall be procured for each place of business operated; defining what is meant by 'place of business'; etc."

Referred to Committee on Game and Fisheries.

By Mr. Van Zandt, Mr. Adamson, and Mr. Barron:

H. B. No. 86, A bill to be entitled "An Act to amend Senate Bill No. 111, passed at the Third Called Session of the Thirty-eighth Legislature, as amended by paragraphs 16 and 59 of Article 199, of the Revised Civil Statutes of 1925, which article provides for judicial district of the State; and which paragraph 15 defines the Fifteenth Judicial District, and determines the date and length of term of such district court in Grayson County; and which paragraph 59 defines the Fifty-ninth Judicial District, and determines the date and length of term of such district court in each of the counties of said district, namely, Grayson and Collin Counties; etc."

Referred to Committee on Judicial Districts.

By Mr. Jones of Shelby, Mr. Pope, Mr. Canon, Mr. McCullough, Mr.

Lotief, Mr. Burns, and Mr. McGregor:

H. B. No. 87, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all ad valorem and poll taxes delinquent on February 1, 1934, due State, county, common school districts, road districts, levee improvement districts, water improvement districts, and water control * * *; etc."

Referred to Committee on Revenue and Taxation.

By Mr. Bradley, Mr. Morse, Mr. Holland, Mr. Mathis, and Mr. Moore:

H. B. No. 88, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas, with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; etc."

Referred to Committee on Agriculture.

By Mr. Dunlap, Mr. Pope, Mr. Celaya, and Mr. Lange:

H. B. No. 89, A bill to be entitled "An Act amending Sections 14 and 15, of Chapter 135, of the General Laws of the State of Texas, passed by the Forty-third Legislature of the State of Texas, etc."

Referred to Committee on Congressional and Legislative Districts.

By Mr. Good:

H. B. No. 90, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than thirteen thousand one hundred and twenty-five (13,125) inhabitants, nor more than thirteen thousand one hundred and seventy-five (13,175) inhabitants, according to the last Federal Census, as to population; and providing for the manner and fund from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Russell:

H. B. No. 91, A bill to be entitled "An Act designating fur-bearing animals; declaring them the property of

the State; declaring a five (5) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. McCullough:

H. B. No. 92, A bill to be entitled "An Act to define, license, and regulate loan brokers, and the business of loan brokers in amounts of from \$50 to \$500, secured or unsecured; providing for a license fee; providing that application for license shall be in writing under oath; providing for an occupation tax; etc."

Referred to Committee on Criminal Jurisprudence.

By Mrs. Hughes, Mr. Stinson, Mr. Parkhouse, Mr. Savage, Mr. Reed of Dallas, and Mr. Coombes:

H. B. No. 93, A bill to be entitled "An Act to amend Section 17, of Chapter 211, of the General Laws, passed by the Forty-third Legislature at the Regular Session, so as to provide that the counties affected thereby shall be granted reimbursement for high school tuition and transportation, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Savage, Mr. Wells, Mr. Shannon, Mr. Stinson, Mr. Anderson, Mr. Butler, Mr. McGregor, Mr. Baker, Mr. Hankamer, Mr. Long, Mr. Duvall, Mr. Dwyer, Mr. Parkhouse, Mr. Mathis, Mr. Stubbeman, Mr. Cathey, Mr. Bradley, and Mr. Reader:

H. B. No. 94, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or Celebrations in 1936; to provide for the creation of a Texas Centennial Commission of not less than twenty-one members and its permanent organization; etc."

Referred to Committee on Appropriations.

By Mr. Tennyson, Mr. Lange, Mrs. Hughes, Mr. Huddleston, Mr. Vaughan, Mr. Harris, and Mr. Hyder:

H. B. No. 95, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from

two thousand (2,000) to five hundred (500); and to limit the earnings of persons, companies, or corporations, coming within the provisions of said article, to an amount not exceeding a fair return upon the fair value of property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Long:

H. B. No. 96, A bill to be entitled "An Act to amend Section 9, of Article 1112-b, of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 422, by providing for punishment by fine not exceeding five hundred dollars (\$500), etc.; making the president of any corporation the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust criminally responsible for the failure to comply with the terms of said Act, or for the violation of any of the terms or provisions thereof, or any rule or order duly adopted and promulgated by the said governmental agency under the terms of said Act; declaring it to be the legislative intent to enact each separate provision independent of the other provisions, and if any clause, sentence, or part of said Act shall be declared unconstitutional, the same shall not affect any other clause, sentence, or part of same, and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Munson:

H. B. No. 97, A bill to be entitled "An Act providing that every motor bus and every omnibus for the carrying of passengers for hire, except taxicabs, and every commercial motor vehicle having a carrying capacity of two tons or over shall be equipped with flares conforming to certain requirements; setting out the manner in which they shall be used; and making the failure to carry the same a misdemeanor, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Jefferson and Mr. Lemens:

H. B. No. 98, A bill to be entitled "An Act to amend Article 4629, of the Revised Civil Statutes of Texas, 1925, relating to grounds for divorce, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Long:

H. B. No. 99, A bill to be entitled "An Act amending Section 5, of Chapter 26, Acts, Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same, authorizing the Railroad Commission agents to inspect refinery properties; requiring such refineries to equip their pipe lines with meters and report measurements of same, and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Kyle of Palo Pinto:

H. B. No. 100, A bill to be entitled "An Act providing for the compensation of county commissioners in certain counties having a population of not less than 17,570 and not more than 17,580, and not less than 16,550 and not more than 16,575, according to the Federal Census for the year 1930; and defining from what fund such salaries shall be paid, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Jefferson, Mr. Kayton, Mr. Hill, Mr. Reader, Mrs. Hughes, Mr. Barrett, Mr. Hoskins, Mr. Tennyson, Mr. Merritt, Mr. Jackson, Mr. Holland, Mr. Beck, Mr. Caven, Mr. Hicks, Mr. Johnson of Anderson, Mr. Rollins, Mr. Tillery, Mr. Van Zandt, Mr. Pavlica, Mr. Latham, Mr. Hester, Mr. Adamson, Mr. Lotief, Mr. McGregor, Mr. Wood, Mr. Hunt, Mr. Duvall, Mr. Holloway, Mr. Coombes, Mr. Good, Mr. Renfro, Mr. Lemens, Mr. Kyle of Hays, Mr. Ford, Mr. Crossley, Mr. Turlington, Mr. Roberts, Mr. Clayton, Mr. Lange, Mr. Hartzog, Mr. Mathis, Mr. Parkhouse, Mr. Weinert, Mr. Barron, Mr. Dunagan, Mr. Hankamer, Mr. James, Mr. Kyle of Palo Pinto, Mr. Reed of Dallas, Mr. Dwyer, Mr. Nicholson, Mr. Mackay, Mr. Davidson, Mr. Winningham, Mr. Stovall, Mr. Holekamp, Mr. Anderson, Mr. Stanfield, Mr. Patterson, Mr. Morse, Mr. Jones of Atascosa, Mr. Griffith, Mr. Rogers of Ochiltree, Mr. Young, and Mr. Cathey:

H. B. No. 101, A bill to be entitled "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing suitable penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. McCullough and Mr. Dunagan:

H. B. No. 102, A bill to be entitled "An Act making it a criminal offense for any person to move into the house of another, without the consent of the owner thereof or his duly authorized agent, and fixing a penalty for the violation of this Act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Tennyson, Mr. Hester, Mr. Harris, and Mr. Long:

H. B. No. 103, A bill to be entitled "An Act amending Article 7105, Chapter 4, Title 122, of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Regular Session, so as to place under the Intangible Assets Tax Laws of this State all gas pipe-line companies, and all other classes of common carrier pipe-line companies, whether individual or corporate, providing that all such common carriers, whether the business is conducted by individuals or corporations shall, after the effective date of this Act, come within the provisions and scope of the present Intangible Assets Tax Laws of this State; etc."

Referred to Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Duvall:

H. J. R. No. 2, Proposing an amendment to Article XVI, of the Constitution of the State of Texas, by striking out Sections 20-a to 20-e, both inclusive, and providing in lieu thereof for local option on the question of the sale of intoxicating

liquors; vesting in the Legislature the power to regulate the manufacture, sale, and traffic in intoxicating liquors; prohibiting the sale of intoxicating liquors for consumption on the premises where sold, and the premises where intoxicating liquors are sold; save and except that the Legislature may enact laws permitting such sale and consumption in bona fide restaurants, dining rooms, eating houses, and dining cars; providing for an election on the question of the adoption or rejection of such amendment, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

HOUSE BILL NO. 9 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's lien and execution of sale of real estate, and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments, and providing further for amending House Bill No. 231, Chapter 102, page 225, General Laws, passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein, may be postponed or continued, and orders of sales and executions may be stayed by complying with the conditions as provided in this Act; authorizing temporary injunctions to stay sales under execution, orders of sales, or deeds of trust; providing for extensions under certain conditions; etc.;

The bill having been read second time on yesterday.

Mrs. Hughes offered the following committee amendment to the bill:

Amend House Bill No. 9 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. From and after the effective date of this Act, except as hereinafter specifically provided, this Act shall apply to all procedure for the enforcement of liens on real property and for the recovery of such real property for failure or omission to pay any indebtedness due thereon, whether such procedure be by suit in court or by sale pursuant to the powers created by a deed of trust.

"Sec. 2. In the event of any threatened or pending procedure for the enforcement of any lien on real property, as set forth in Section 1, the debtor may apply to the district court of the county having jurisdiction thereof for a postponement of the sale or the continuance of the suit. Such application shall be verified by the debtor, or, if married, by the debtor and his or her spouse, and shall set forth the following:

"(a) That the debtor is unable to pay the indebtedness, or any part thereof against his property, and that the property under the threatened or pending foreclosure or sale would probably sell for less than its reasonable market and/or intrinsic value.

"(b) That the lien sought to be foreclosed was not procured or obtained for the purpose of securing in whole or in part any indebtedness for money or property procured by misrepresentation, fraud, defalcation, or embezzlement, and that the debt is justly owing and its secured by a valid lien on the security.

"(c) That the sale under deed of trust or the execution and order of sale pursuant to any judgment for the foreclosure of the lien on real property would result in an unfair, unjust, and inequitable financial injury to the debtor, and that the debtor has a substantial equity in the property.

"(d) That the property upon which the lien is sought to be foreclosed is not being wasted, mismanaged, or destroyed and is in substantially as good condition as when the lien was

first executed, and that the debtor has not, with the intent to defeat or delay the collection of the indebtedness or the enforcement of the lien, dissipated the property or the rents and or revenues theretofore derived therefrom.

"(e) That the debtor is not in arrears in the payment of taxes for more than two years on the property involved.

"(f) That the debtor has applied to the Home Owners Loan Corporation or the Federal Land Bank or other agency for a loan to discharge the existing lien or that he will forthwith make such application and prosecute the same with due diligence.

"(g) That the debtor agrees to pay to the creditor the reasonable rental value of the property during the pendency of the suit.

"Sec. 3. Upon the filing of such application, the judge or court may, in his discretion, issue an order temporarily restraining the sale or continuing the suit until a hearing on such application. Said order shall set the date for such hearing for a time which shall be within ten days from the date of said order and notice shall be given to the creditor or his agent or attorney of the date of said hearing, not less than five days prior to such date.

"Sec. 4. Upon such hearing, the judge or court shall hear evidence and may, in his discretion, continue the case or temporarily enjoin the sale for a reasonable period not to exceed 180 days and shall, as a condition of granting the continuance or injunction, order the debtor to pay to the creditor, from the date of the application, the reasonable rental value thereof, to be determined by the court, in no event to be less than the current rents and revenues, if any, earned by the property. The creditor shall apply the amounts paid by the debtor to insurance, taxes, interest, and principal in the order named. In the event of his failure to apply said moneys in such manner, the court or judge shall appoint a disinterested party to collect and so apply the amounts paid by said debtor, and the creditor shall be charged and the debt shall be credited with any loss by reason of his failure to so apply the amounts collected. Upon a showing that the debtor has failed to comply with the order of the court or judge, or has failed within a reasonable

time to prosecute with diligence an application to the proper Federal agency or other agency for a loan to refund his indebtedness, or that the conditions of the debtor, under which the order was granted, no longer exist, the judge or court shall forthwith enter an order dissolving the injunction or setting aside said order of continuance and proceed with the trial of said cause on its merits, as the case may be.

"Sec. 5. At the end of the period for which the temporary injunction, or the continuance, as the case may be, was granted, and on further similar application, notice, and hearing, the court or judge may, in his discretion, enter a further order of temporary injunction or continuance in like manner and upon the same conditions as contained in Section 4, hereof. But in no event shall the operation of the original or the subsequent order extend beyond May 1, 1935.

"Sec. 6. No guarantor of an indebtedness, nor indorser, nor surety for the payment thereof, nor any person primarily liable thereon, the collection of which has been enjoined or postponed by reason of the provisions of this Act, shall be required to pay such indebtedness during the injunction or postponement of the suit, nor shall the obligations of such guarantor, indorser, or surety in any way be impaired or lessened by reason thereof, nor shall the creditor be obligated to pursue any remedy against such guarantor, indorser, or surety during the continuance of such injunction and/or postponement of suit.

"Sec. 7. The period from February 15, 1934, to May 1, 1935, shall not be included in computing any period of limitation under the laws of this State with reference to liens on real property and the debts secured thereby.

"Sec. 8. Nothing herein shall be held to prevent or limit the right of any court to enter any judgment by agreement of the parties.

"Sec. 9. During the period for which this Act is effective, nothing herein contained shall prevent parties from litigating and contesting cases pending in court or the debtor from appealing from judgments rendered therein without filing the application

mentioned in Section 2 hereof. On appeal of any case affected by this Act, the debtor shall be entitled to have execution or order of sale stayed pending such appeal without filing a supersedeas bond, if, from the facts proven upon application for such stay order, it reasonably appears to the court that the appealing party is unable to execute a good and sufficient supersedeas bond, or that it would be inequitable, unjust, and unfair to permit his property to become subjected to the sale during the pendency of such appeal. Provided, that in the event the debtor takes advantage of the provisions of this section, he shall, pending such appeal, pay the reasonable rental value of the premises in the same manner as required by Section 4 hereof; and upon a motion and showing to the court, then having jurisdiction, of his failure to pay such rental value in such manner, execution or order of sale shall forthwith issue as in other cases.

"Sec. 10. This Act shall have no effect upon any suit or cause of action or power of sale based upon or seeking to enforce a contract or contracts affecting real property, entered into or obligations executed or assumed subsequent to May 1, 1933, even though such contracts or obligations be a renewal or extension or otherwise relate to contracts or obligations executed or assumed prior to May 1, 1933.

"Sec. 11. Any debtor who has heretofore borrowed money from any bank, corporation, joint stock association, or individual doing business in this State, and who has given a deed of trust or other valid lien on any real estate to secure the payment of the money so borrowed, and who is now or may, during the life of this Act, be in arrears on the payment of principal and interest, or either such principal or interest, and such creditor threatens to foreclose its or his lien by posting notice of sale under such deed of trust, or by bringing suit in any court of competent jurisdiction for the enforcement of said lien, and the debtor now holds or may hereafter hold any of the bonds, notes, or other obligations heretofore issued by any such bank, corporation, joint stock association, or individual, said debtor may tender to said bank, corporation, or joint

stock association, or individual the obligations theretofore issued by the same, and such creditor shall accept its or his own bonds or obligations so tendered at face or par value, and the debtor shall be given credit on said indebtedness to the full amount of the face or par value of said obligation held by him and tendered to such creditor. Provided, that if the full amount of such debt, principal, and interest is at the time of the threatened foreclosure, or at the time suit is brought thereon, or at the time of the tender of said bonds or obligations, due and payable, or if such debt has been declared due and payable by such creditor under the provisions of its or his lien or deed of trust, or if the same be hereafter so declared due and payable during the life of this Act, and the bonds or obligations held by the debtor are sufficient in amount at par value to fully satisfy and pay off the full amount of the debt owing to such bank, corporation, joint stock association, or individuals, a tender of said bonds or obligations by the debtor will serve to fully extinguish the debt, unless such creditor is willing to withdraw said suit or notice of sale but if such bonds or obligations, taken at face or par value, are not sufficient to fully satisfy said debt, and the creditor refuses to withdraw said suit or notice of sale to enforce its or his lien, then the creditor shall give to the debtor credit on such indebtedness to the extent and amount of the face or par value of such bonds or obligations so tendered by the debtor to it or him; and any evidence in any court of competent jurisdiction that such a tender has been made shall be a bar to the right of recovery on the part of the creditor to the amount of the bonds or obligations so tendered; and, provided further, that the provisions of this section are effective only during the life of this Act.

"Sec. 12. The provisions of this Act shall not apply to any indebtedness secured by a lien on real property which is owing to the United States or any agency, department, bureau, board, or commission thereof, nor shall it apply to any taxes due the State or any subdivision thereof.

"Sec. 13. The provisions of this Act are hereby declared to be distinct and separable. If any section,

paragraph, sentence, or clause hereof shall be found by a court of competent jurisdiction to be invalid, the decision of such court shall not affect the validity of any other section, paragraph, sentence, or clause.

"Sec. 14. All laws and parts of laws in conflict with any of the provisions of this Act are hereby suspended during the effective period of this Act, but not repealed, and this Act shall terminate and be of no further force and effect on and after May 1, 1935.

"Sec. 15. The fact that under existing laws forced sales are had under deeds of trust and vendor's liens at which tracts of real estate are sold at prices greatly below their real and equitable value, and the fact that such sales work inequities and undue hardships upon the owners of such real estate, and the further fact that an extraordinary financial emergency and depression exists within this State and elsewhere, and that many citizens are threatened with the foreclosure of liens upon property, and that it is difficult to secure supersedeas bonds, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and the fact that great and irreparable wrong and injury will be done unless immediate relief as provided here be granted, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

Mr. Greathouse offered as a substitute for the committee amendment, the amendment to House Bill No. 9, which was printed in the Journal of Tuesday, February 13.

(Pending consideration of the amendments, Mr. Aikin and Mr. Alexander occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Pope offered the following amendments to the amendment by Mr. Greathouse:

(1)

Amend amendment by Mr. Greathouse to House Bill No. 9 by striking out of Subsection h the follow-

ing words: "Extended or assumed by the complaining party or any predecessor in title to the real property"; and insert the word "or" after the word "renewed."

(2)

Amend amendment by Mr. Greathouse to House Bill No. 9 by striking out all of Subsection i, after the word "embezzlement."

The amendments were severally adopted.

Question first recurring on the amendment by Mr. Greathouse, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 66; nays, 55.

Mrs. Hughes called for a verification of the vote.

The roll of the yeas and nays was then called, and the verified vote announced, as follows:

Yeas—68

Adamson.	Long.
Aikin.	Lotief.
Baker.	Mackay.
Barrett.	McCullough.
Bourne.	McGregor.
Bradley.	McKee.
Burns.	Merritt.
Butler.	Mitcham.
Canon.	Morrison.
Cathey.	Patterson.
Chastain.	Pavlica.
Coombes.	Pope.
Cowley.	Puryear.
Daniel.	Ray.
Dunagan.	Renfro.
Fain.	Roberts.
Fisher.	Rogers of Hunt.
Fuchs.	Rogers
Golson.	of Ochiltree.
Greathouse.	Rollins.
Griffith.	Russell.
Harris.	Savage.
Hartzog.	Scott.
Hester.	Stanfield.
Holekamp.	Stubbeman.
Holland.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Thomas.
Hyder.	Tillery.
Jackson.	Wagstaff.
James.	Walker.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kyle of Palo Pinto.	Young.
Laird.	

Nays—54

Alexander.	Anderson.
Alsup.	Atchison.

Beck.	Kayton.
Bedford.	Kyle of Hays.
Bergman.	Lange.
Calvert.	Latham.
Camp.	Lemens.
Clayton.	Lindsey.
Crossley.	Magee.
Davidson.	Mathis.
Dean.	Metcalfe.
Devall.	Munson.
Dwyer.	Parkhouse.
Ford.	Ratliff.
Glass.	Reed of Bowie.
Good.	Reed of Dallas.
Goodman.	Riddle.
Graves.	Roark.
Hankamer.	Shannon.
Head.	Shults.
Hicks.	Steward.
Hodges.	Stinson.
Hughes.	Stovall.
Hunt.	Turlington.
Jefferson.	Van Zandt.
Johnson	Vaughan.
of Anderson.	Wells.
Jones of Atascosa.	

Absent

Barron.	Hill.
Caven.	Holloway.
Celaya.	Leonard.
Colson.	Moffett.
Dunlap.	Moore.
Duvall.	Morse.
Engelhard.	Nicholson.
Harman.	Reader.
Harrison.	Scarborough.

Absent—Excused

Hunter.	Ramsey.
Johnson	Smith.
of Dimmit.	Townsend.
McDougald.	Weinert.
Palmer.	

The Speaker announced that the substitute amendment by Mr. Greathouse was adopted.

Mr. Barrett moved to reconsider the vote by which the amendment was adopted.

Mr. Burns moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65

Adamson.	Barrett.
Aikin.	Bourne.
Baker.	Bradley.

Burns.	Long.
Butler.	Lotief.
Canon.	McCullough.
Cathey.	McGregor.
Chastain.	McKee.
Clayton.	Merritt.
Coombes.	Mitcham.
Cowley.	Morrison.
Dunagan.	Patterson.
Fain.	Pavlica.
Fisher.	Pope.
Fuchs.	Puryear.
Golson.	Ray.
Greathouse.	Renfro.
Griffith.	Riddle.
Harris.	Roberts.
Hartzog.	Rogers of Hunt.
Hester.	Rogers of Ochiltree.
Holekamp.	Rollins.
Holland.	Russell.
Hoskins.	Savage.
Huddleston.	Scott.
Hyder.	Stanfield.
James.	Tennyson.
Johnson	Thomas.
of Anderson.	Wagstaff.
Jones of Runnels.	Walker.
Jones of Shelby.	Winningham.
Kyle of Palo Pinto.	Wood.
Laird.	Young.

Nays—53

Alexander.	Jefferson.
Alsup.	Jones of Atascosa.
Anderson.	Kayton.
Atchison.	Kyle of Hays.
Beck.	Lange.
Bedford.	Latham.
Bergman.	Lindsey.
Calvert.	Mackay.
Camp.	Mathis.
Crossley.	Metcalf.
Daniel.	Moffett.
Davidson.	Munson.
Dean.	Parkhouse.
Devall.	Ratliff.
Duvall.	Reed of Bowie.
Dwyer.	Reed of Dallas.
Ford.	Roark.
Glass.	Shannon.
Good.	Shults.
Graves.	Steward.
Hankamer.	Stinson.
Head.	Stovall.
Hicks.	Turlington.
Hill.	Van Zandt.
Hodges.	Vaughan.
Hughes.	Wells.
Hunt.	

Absent

Barron.	Goodman.
Caven.	Harman.
Celaya.	Harrison.
Colson.	Holloway.
Dunlap.	Jackson.
Engelhard.	Lemens.

Leonard.	Reader.
Magee.	Scarborough.
Moore.	Stubbeman.
Morse.	Tarwater.
Nicholson.	Tillery.

Absent—Excused

Hunter.	Ramsey.
Johnson	Smith.
of Dimmit.	Townsend.
McDougald.	Weinert.
Palmer.	

REASON FOR VOTE

I voted against the Greathouse amendment because I think the committee amendment will be more apt to be constitutional when tested in the courts, and I do not want the Moratorium Law to be of no effect.

MAGEE.

BILLS ORDERED NOT PRINTED

On motion of Mr. McKee, House Bills Nos. 73 and 90 were ordered not printed.

On motion of Mr. Van Zandt, House Bill No. 86 was ordered not printed.

On motion of Mr. Kyle of Palo Pinto, House Bill No. 100 was ordered not printed.

On motion of Mr. Wells, House Bill No. 74 was ordered not printed.

RECESS

On motion of Mr. Kayton, the House, at 5:55 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Revenue and Taxation: House Bills Nos. 43, 67, and 68.

Conservation and Reclamation: House Bill No. 62.

Game and Fisheries: House Bills Nos. 65 and 56.

Appropriations: House Bills Nos. 35, 52, and 54.

Education: House Bills Nos. 58 and 64; Senate Bills Nos. 11 and 9.

State Affairs: House Bills Nos. 59 and 61.

Municipal and Private Corporations: House Bill No. 60.

Highways and Motor Traffic: House Bill No. 32.

Criminal Jurisprudence: House Bill No. 63.

The Committee on Liquor Traffic filed an adverse report, with a minority favorable report, on House Bill No. 17.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 65, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Houston County during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 64, A bill to be entitled "An Act providing that in all counties having a population in excess of 350,000 inhabitants, according to the last available Federal Census, the county school superintendent shall be appointed by the board of county school trustees and shall hold office for four (4) years, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 62, A bill to be entitled

"An Act validating refunding bonds issued by certain water improvement districts under authority of Acts, 1933, Forty-third Legislature, page 171, Chapter 78; authorizing a levy to be made for prior years where part or all the bonded indebtedness of such water improvement districts has been refunded, so as to reduce or eliminate certain levies no longer needed; providing for remission of penalties and interest in certain cases of delinquent taxes levied by such water improvement districts; providing that the unconstitutionality of any part or parts of this Act shall not affect the validity of the remaining parts thereof, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 45, A bill to be entitled "An Act providing for the Agricultural and Mechanical College Substation No. 12, located in Hardeman County, Texas, in order to provide material and labor to reconstruct buildings destroyed by fire on January 18, 1934; making an appropriation to said Agricultural and Mechanical College Substation No. 12, for said purposes, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 60, A bill to be entitled "An Act validating all elections, election orders, election proceedings, and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any incorporated city, having a population of not less than three thousand (3,000) and not more than six thousand (6,000) inhabitants, as shown by the last preceding Federal Census, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 56, A bill to be entitled "An Act repealing House Bill No. 854, as passed by the Regular Session of the Forty-third Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 27, A bill to be entitled "An Act making an appropriation to pay deficiencies for interest on bonds of the State of Texas, held by Permanent School Fund, Permanent Lunatic Asylum Fund, Permanent Blind Institute Fund, Permanent Deaf and Dumb Institute Fund, and Permanent Orphans Home Fund of the State of Texas, authorizing payment of interest on the taking effect of this Act,"

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin Texas, February 14, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 26, Relative to the levying of certain tax on natural gas,

Has carefully compared same, and finds it correctly enrolled.

GOOD, Acting Chairman.

TENTH DAY

(Continued)

(Thursday, February 15, 1934)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

HOUSE BILL NO. 9 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's lien and execution sales of real estate, and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments, and providing further for amending House Bill No. 231, Chapter 102, page 225, General Laws, passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein, may be postponed or continued, and orders of sales and executions may be stayed by complying with the conditions as provided in this Act; authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust; etc., and declaring an emergency";

The bill having heretofore been read second time, with committee amendment as substituted by amendment by Mr. Greathouse, pending.

Mr. Metcalfe offered the following amendment to the committee amendment, as substituted:

Amend committee amendment, as substituted for House Bill No. 9, by inserting a new section, to be numbered Section 15, after Section 14, reading as follows:

"Section 15. Any debtor who has heretofore borrowed money from any bank, corporation, or joint stock association doing a business in this State, and who has given a deed of trust or other valid lien on any real estate to secure the payment of the money so